

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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|--|---|---------------------------|
| -----X | : | |
| VICTOR ZILBERMAN, individually and on | : | Case No.: 14-cv-06091 |
| behalf of all others similarly situated, | : | |
| | : | Date Filed: Oct. 17, 2014 |
| <i>Plaintiff,</i> | : | |
| | : | Civil Action |
| -against- | : | |
| | : | |
| REDBUMPER, LLC, a Delaware limited | : | |
| liability company, | : | |
| | : | |
| <i>Defendant.</i> | : | |
| -----X | : | |

**PLAINTIFF’S UNOPPOSED MOTION FOR ADJOURNMENT OF
THE CASE MANAGEMENT CONFERENCE**

Plaintiff Victor Zilberman (“Plaintiff” or “Zilberman”), by and through his undersigned counsel, hereby files this Motion for Adjournment of the Case Management Conference (“CMC”). In support, Plaintiff states as follows:

1. On February 11, 2015, in response to Defendant Redbumper LLC’s (“Defendant” or “Redbumper”) Second Motion to Adjourn Conference (dkt. 15), the Court entered a minute Order setting the CMC for April 29, 2015, at 9:00 a.m.

2. The basis for Redbumper’s second motion to adjourn the initial scheduling conference was the pendency of the parties’ jurisdictional discovery with respect to Defendant’s motion to dismiss based on the Court’s purported lack of personal jurisdiction over Redbumper. (*See* dkt. 15.)

3. The parties have completed this jurisdictional discovery, and the Plaintiff informed the Court that, as a result of information gained in the discovery process, he intends to

amend his complaint by April 28, 2015, to remove Redbumper as a party-defendant and add two new defendants—Pearl Technology Holdings LLC and CarOffer LLC. (*See* dkt. 20.)

4. Plaintiff's amended pleading will obviate the need for holding an initial scheduling conference this coming Wednesday, April 29th, since Redbumper will no longer be a party to this case.

5. Accordingly, Plaintiff respectfully requests that this Court adjourn the CMC, currently scheduled for April 30, 2015, at 9:00 a.m., to a date after the soon-to-be added defendants have answered or otherwise responded to Plaintiff's amended complaint.

6. Plaintiff has conferred with counsel for Defendant, and Defendant is unopposed to the relief requested in this motion.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order: (1) Postponing the CMC until such time that the soon-to-be added defendants in this action have answered or otherwise pleaded; and (2) granting such other relief that is reasonable and just.

Respectfully submitted,

VICTOR ZILBERMAN, individually and on
behalf of all others similarly situated,

Dated: April 27, 2015

By: /s/ John C. Ochoa
One of Plaintiff's Attorneys

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**Application for admission pro hac vice to be filed*

CERTIFICATE OF CONFERENCE

I hereby certify that on the 27th day of April 2015, counsel for Plaintiff conferred with counsel for Defendant regarding the instant motion, and Defendant is unopposed to the relief sought herein.

/s/ John C. Ochoa

CERTIFICATE OF SERVICE

I, John C. Ochoa, an attorney, hereby certify that on April 27, 2015, I served the above and foregoing ***Plaintiff's Unopposed Motion for Adjournment of the Case Management Conference*** by causing true and accurate copies of such paper to be transmitted to all counsel of record via the Court's CM/ECF electronic filing system, on this 27th day of April 2015.

/s/ John C. Ochoa
